

Patrick J. Cerillo, Esq.
Patrick J. Cerillo, LLC
4 Walter E. Foran Blvd., Suite 402
Flemington, NJ 08822
Attorney ID No. 01481-1980
T: (908) 284-0997
F: (908) 284-0915
pjcerillolaw@comcast.net
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE subscriber assigned IP address
73.178.141.113,

Defendant.

Case No. 3:19-cv-05705-BRM-DEA

**MOTION FOR LEAVE TO SERVE A THIRD PARTY
SUBPOENA PRIOR TO A RULE 26(f) CONFERENCE**

Notice is given that on March 18, 2019, in Courtroom 1, Clarkson S. Fisher Building & US Courthouse, 402 East State Street, Trenton, New Jersey, 08608, before the Honorable Brian R. Martinotti, D.J., at 9:30 a.m. of that day, or as soon thereafter as counsel can be heard, that Malibu Media, LLC (“Plaintiff”), will move the Court for an order granting it leave to serve a third party subpoena prior to a Rule

26(f) conference. This motion will be made on the grounds that the order is necessary to obtain the true identity of the John Doe Defendant.

Pursuant to Fed. R. Civ. P. 26(d)(1), and upon the attached: (1) Declaration of Patrick J. Cerillo; (2) Memorandum of Law in support of this motion; (3) Declaration of Colette Pelissier in support of this motion; (4) Declaration of Patrick Paige in support of this motion; and (5) Declaration of Tobias Fieser in support of this motion, Malibu Media, LLC (“Plaintiff”), respectfully moves for entry of an order granting it leave to serve a third party subpoena on Comcast Cable Holdings, LLC, prior to a Rule 26(f) conference (the “Motion”). A proposed order is attached for the Court’s convenience.

Dated: February 22, 2019

Respectfully submitted,

By: /s/ Patrick J. Cerillo
Patrick J. Cerillo, Esq.
Patrick J. Cerillo, LLC
4 Walter E. Foran Blvd., Suite 402
Flemington, NJ 08822
Attorney ID No. 01481-1980
T: (908) 284-0997
F: (908) 284-0915
pjcerillolaw@comcast.net
Attorneys for Plaintiff